

REMARKS/ARGUMENTS

The final Office Action of September 14, 2005, has been carefully reviewed and these remarks are responsive thereto. These remarks are filed concurrent with a Request for Continued Examination. Reconsideration and allowance of the instant application are respectfully requested. Claims 1, 4, 6-23, 57, and 60-62 remain pending.

Applicants have provided a listing of the pending claims for the convenience of the Examiner. Applicants have not amended the claims in this paper.

Rejections under 35 U.S.C. § 103(a)

Claims 1, 4, 6-9, 11-17, 19-23, 57, and 60-62 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,249,315 to Holm (hereinafter referred to as *Holm*) in view of U.S. Patent No. 5,946,113 to Pritchett (hereinafter referred to as *Pritchett*). Applicants respectfully traverse this rejection.

Applicants' independent claim 1 recites, among other features, "mapping RGB color data values representing an image in a first device into gamut expanded sRGB color data values of a gamut expanded sRGB color space." Applicants' claim 1 invention is patentably distinguishable over the applied references because *Holm* and *Pritchett*, either alone or in combination, fail to teach or suggest this feature.

On October 7, 2003, Applicants representatives met with the Examiner and conducted an Interview regarding an outstanding Office Action in the present application. In the Interview Summary (Paper No. 23), the Examiner explicitly agreed "that sRGB is inherently a perceptual-based color space and that XsRGB and sRGB64 are inherently physical-based color spaces." (Paper No. 23, page 3). Now, the Action alleges that sRGB is a physical-based color space. (Action, page 2). Specifically, the Action relies on column 13, lines 24-30 of *Holm* to describe that sRGB is a physical-based color space. The Action misunderstands inherent aspects of particular color spaces.

The Action states that the “Holm reference fairly discloses that the sRGB color space is known to be a “physical-based” color space.” (Action, page 2); however, the Action fails to appreciate the difference in terminology used by *Holm*.

Holm describes a “physical-based” color space as a color space that is realizable with real world devices in contrast to virtual or theoretical color spaces that cannot be ever realized by real world devices. The *Holm* physical-based color space equates to a color space that can be completely realized with real world devices. (See *Holm* Abstract, col. 9, ll. 42-48). Further, *Holm* describes “perceptual color spaces” as spaces that device-independent and as spaces based on the human visual response, including both CIEXYZ and CIEL*a*b*. (See *Holm*, col. 13, ll. 7-9) The *Holm* perceptual color space equates to a color space based upon the human visual system such as CIEXYZ (intra-retinal-based based) or CIELAB (cognitive/perceptual based space).

Holm uses the terminology of “physical” to refer to the relationship of the color space to whether it is linked to real world devices, and thus much easier to implement in a camera without limitations, or theoretical definitions that will require additional arbitrary limitations when implemented in a real world device. *Holm*'s use of the term “perceptual” is unrelated and irrelevant to the use of the word “perceptual” as understood with reference to Applicants' original written description and a gamut expanded sRGB color space.

The sRGB standard in IEC 61966-2-1 (IEC TC100 sRGB Draft Standard, 1998) explicitly defines real world viewing conditions. In addition, the paper, “Reconsideration of CRT Monitor Characteristics,” by N. Katoh and T. Deguchi, Proceedings of Fifth Color Imaging Conference, IS&T/SID, Scottsdale, AZ, 1997, referenced in the Bibliography, Annex F, of IEC 61966-2-1, describes in great detail how the sRGB space is an accurate representative of real world CRT devices. A copy of the Katoh and Deguchi article is attached in the accompanying Information Disclosure Statement.

sRGB is not an extended color space. Converting sRGB perceptual color space values by use of gamma conversions to an RGB physical space as defined in Applicants' original written description does not create an extended over/under ranging physical color space. Such an

understanding further illustrates how *Holm* is unrelated and irrelevant to Applicants' present matter.

Having misapplied unrelated definitions of the terms physical and perceptual, the Action then concedes that "Holm does not disclose that the RGB color data values are converted into gamut expanded sRGB (i.e. "XsRGB) color data values." (Action, page 4) As a result, the Action relies on *Pritchett*. In the Action mailed December 12, 2003, the Examiner acknowledged that "there is no motivation for Pritchett to utilize XsRGB, or any other gamut expanded *physical*-based color space, as his gamut expanded color space." (Action, page 3). Yet, as a result of misapplied unrelated definitions of terms, the Action attempts such a combination.

Holm's use of the terms "physical" and "perceptual" are unrelated and irrelevant to Applicants' description of the term gamut expanded sRGB, i.e., XsRGB, color space as described in Applicants' original written description. This misapplication of terminology is apparent by the Action citing *Holm* for support in alleging that the sRGB color space is both physical and perceptual. Such claims are incompatible with Applicants' definition of those terms. In addition, the sRGB color space is very well known in the art to be smaller than nearly all output gamuts because it is realizable by real world devices. As such, sRGB is not a "virtual" space and one skilled in the art at the time of filing of the present invention and at the time that the present invention claims priority would not have used the sRGB color space to deal with colors outside of the gamut of an output device.

Pritchett is limited to perceptual-based color spaces, the description of the terms "physical" and "perceptual" in *Holm* are neither relevant nor related to the description of physical-based and perceptual-based color spaces as defined in Applicants' original written description and utilized within the claims, and *Holm* does not disclose that the sRGB color space may be described as either a physical-based or perceptual-based color space. As such, withdrawal of the present rejection of Applicants' independent claim 1 is respectfully requested.

Applicants' independent claims 15, 23, 57, 61, and 62 stand rejected for the same reasons as stated above with respect to independent claim 1. For substantially the same reasons as stated

above with reference to claim 1, Applicants' claims 15, 23, 57, 61, and 62 distinguish over the art of record and are in condition for allowance.

Applicants' claims 4, 6-9, 11-14, 16-17, and 19-22, which depend from claims 1 and 15, are patentably distinguishable the art of record for at least the same reasons as their ultimate base claim and further in view of the novel features recited therein.

Claims 10 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Holm* in view of *Pritchett* and further in view of U.S. Patent No. IEC 61966-2-1 (hereinafter referred to as *IEC 61966-2-1*). Applicants respectfully traverse this rejection.

Claims 10-18, which depend from claims 1 and 15, are patentably distinguishable over the art of record for at least the same reasons as their ultimate base claim and further in view of the novel features recited therein. Further, *IEC 61966-2-1* fails to cure the deficiencies of *Holm* and *Pritchett*. Necessarily, withdrawal of the rejection of claims 10 and 18 is respectfully requested.

Many of the features of claim 60 stand rejected for the same reasons as stated above with reference to claim 1. For substantially similar reasons as stated above with reference to Applicants' claim 1, Applicants' claim 60 is patentably distinguishable over the art of record and further in view of the novel features recited therein.

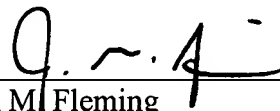
Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. Apart from the fee for the Request for Continued Examination and one-month extension of time, no additional fee is believed due, however, if any fees are required or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733. Applicants look forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,
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Date: January 17, 2005

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